

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SUMFINIDADE UNIPessoal LDA,

Plaintiff,

v.

PEREGRINACIONES
GUADALUPANAS INC.,

Defendant.

Case No. 2:24-cv-04267-SB-SK

ORDER TO SHOW CAUSE RE
SANCTIONS

Since filing this action, Plaintiff has engaged in a pattern of noncompliance with the Court's orders.

In granting Plaintiff's motion to make service by delivery on the California Secretary of State, the Court required Plaintiff to file proof of such service and a declaration that it sent a copy of the summons and complaint by certified mail to Defendant's registered agent by September 22, 2024. Dkt. No. 12 at 2–3. Plaintiff failed to timely file the declaration. Only after being advised that it had violated the Court's order did Plaintiff mail the complaint and summons and file the declaration, Dkt. Nos. 16, 17. The Court declined to issue an order to show cause (OSC) and instead admonished Plaintiff, warning that future violations would result in sanctions, and required it to "disclose this warning" if it were subject to an OSC in the case. Dkt. No. 18. The Court also ordered Plaintiff to promptly request default and move for default judgment if Defendant failed to answer by October 24. *Id.*

Despite this clear order, Plaintiff delayed in requesting default after the answer deadline passed, prompting the Court to issue an OSC re lack of prosecution requiring Plaintiff to seek entry of default and move for default judgment. Dkt. No. 19. Plaintiff complied, timely filing a motion for default

judgment, which it set to be heard on December 20, resulting in the discharge of the OSC. Dkt. Nos. 20, 21, 22.

On December 19, however, Plaintiff filed a document purporting to withdraw its motion, Dkt. No. 23, and failed to appear at the December 20 hearing despite the fact that the hearing had not been vacated, Dkt. No. 24. This resulted in a second OSC, set for hearing on January 10, 2025. *Id.* Plaintiff's response to the OSC failed to disclose the Court's warning, as required. Dkt. No. 25. Plaintiff then failed to appear at the January 10 hearing on the OSC.

Plaintiff is accordingly ordered to show cause, in writing, no later than January 15, 2025: (1) why this case should not be dismissed for lack of prosecution and repeated violations of court orders; and (2) why Plaintiff and its counsel should not be sanctioned under Rule 16(f) for failing to appear at the January 10 hearing and the other violations of court orders as described above. Failure to timely respond to this OSC may result in dismissal without prejudice and the imposition of sanctions.

The Court sets this OSC for hearing on January 17, 2025 at 8:30 a.m in Courtroom 6C of the Federal Courthouse, 350 West 1st Street, Los Angeles, California.

Date: January 11, 2025



Stanley Blumenfeld, Jr.
United States District Judge